



KYDept. of Criminal Justice Training

2013 Kentucky General Assembly

New Legislation



The following summary includes only those new statutes of immediate interest to street level law enforcement officers. Additional statutes of interest to law enforcement and telecommunications agencies may be located at the agency's website as indicated at end of this presentation.



Senate Bill 8 / HB 354 School Safety

- KRS 158.162-164, 447-448 requires schools to provide first responders (fire and law enforcement) with copies of emergency plans and floor diagrams, and to invite appropriate responders to scheduled drills.
- KRS 160.345 provides that law enforcement shall be invited to assist in establishing lockdown procedures



Senate Bill 8 / HB 354 School Safety

- Local chiefs (KRS 95.970) and sheriffs (KRS 70.062) are encouraged to receive training in school and student safety.





Senate Bill 13

Alcoholic Beverages

This bill applies primarily to ABC officers. However, of particular interest to all law enforcement is KRS 243.992, which provides that an individual who requests emergency medical assistance for himself or another is immune from prosecution for Alcohol Intoxication, Drinking Alcoholic Beverages in a Public Place, offenses related to underage drinking and providing alcohol to a minor.



Senate Bill 13

Alcoholic Beverages

This immunity requires that the subject cooperate and remain with the individual in need and provide such information to responders that is within their ability to provide. The new law also expands provisions by which a retail establishment selling alcoholic beverages may be considered to be disorderly. Finally, KRS 243.480 allows for sales of malt beverages on Election Day unless a local government specifically prohibits such sales.



Senate Bill 56 Schools - Video

KRS 160.705 requires schools to retain for a specified period of time copies of video/audio recordings of school activities.





Senate Bill 114 Commercial Vehicles

KRS 189.560 provides that drivers of a commercial vehicle are required to slow down and check railroad tracks before crossing and to ensure that they are able to completely drive through the crossing without stopping.





House Bill 3 Human Trafficking

This bill provides protections for child victims of human trafficking. Among other provisions, KRS 620.030 requires mandatory reporting by anyone who has reasonable belief that child human trafficking is occurring. For law enforcement, KRS 529.010 provides that if a child is reasonably believed to be the victim of trafficking, the child shall not be charged with any status offenses for conduct arising from the human trafficking.



House Bill 3 Human Trafficking

KRS 529.120 (Prostitution) gives protections to juvenile victims of trafficking. It specifically provides that minors found to be in prostitution shall be taken into protective custody and the Cabinet for Health and Family Services shall commence an investigation into possible dependence, neglect or abuse, even if the person holding the child is not their custodial caregiver.



House Bill 3 Human Trafficking

In addition, this bill provides for asset forfeiture from defendants. Although the process is the same as used under KRS 218A forfeitures, the distribution of the proceeds differs, with a half of the proceeds going into the established victims' fund.





House Bill 8 Synthetic Drugs

KRS 218.010 changes the specific definitions for synthetic cannabinoids (“fake” marijuana) to better include all possible formulations.

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IMMEDIATELY**



House Bill 8 Synthetic Drugs

It also creates a new definition for synthetic drugs, to include synthetic cannabinoids and piperazines as well as synthetic cathinones (“bath salts”).





House Bill 8 Synthetic Drugs

In addition, it includes use of all synthetic drugs under KRS 530.065, Unlawful Transaction with a Minor, Second Degree. (Note that recent changes to 902 KAR 55:015/E– Schedule I substances – will also be relevant to officers with cases involving synthetic drugs.)



House Bill 39 Child Pornography

KRS 17.546 provides that sexual offender registrants are prohibited from intentionally photographing, recording, etc. any minor without the specific written consent of the minor's parent or guardian, who must also acknowledge in writing that they understand the individual is a registered sex offender.



House Bill 39

Child Pornography

KRS 510.155 provides that an unlawful solicitation of a minor is complete when it is done, even if they make no further effort to meet the minor and modifies KRS 531.335 with respect to the accidental viewing of child pornography or viewing for the purposes of investigation.





House Bill 39 Child Pornography

Assets seized for forfeiture in connection with offenses under this chapter shall be handled in the same manner as forfeitures under KRS 218A.





House Bill 161

Theft

KRS 514.030 changes the penalty schemes for theft with respect to the theft of controlled substances and theft of property valued at one million dollars or more.





House Bill 164

Motor Vehicle Insurance Card

KRS 304.39-117 provides that motor vehicle insurance cards may be shown on portable electronic devices, such as cell phones. It also prohibits an officer viewing the card for the purposes of a traffic stop from viewing any other content on the device.

(This does not include a photograph of a paper copy.)





Senate Bill 174 Transit Tags

KRS 186.068 provides for special transit tags to be provided by the Dept. of Transportation for vehicles being taken through Kentucky.

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House Bill 177

Misrepresenting Military Status

KRS 434.444 provides for prosecution of the offense of misrepresenting one's military status if being done for direct or indirect monetary gain.

(This change was made to bring the existing statute in line with a case ruled upon by the U.S. Supreme Court in the last term, U.S. v. Alvarez.)





House Bill 217 Controlled Substances

KRS 218A.172, along with other provisions of KRS 218A, is an extensive reworking of existing “pill mill” law.

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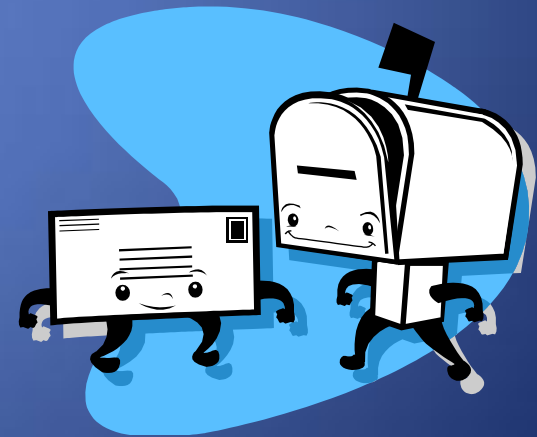




House Bill 222

Crime Victim Address Protection

KRS 14.300-318 creates address protections through the Secretary of State for victims of qualifying crimes (domestic violence, sex abuse, etc.).





House Bill 273 Mini-trucks

KRS 189.517 provides for the regulation of mini-trucks, as defined in the statute.



<http://mactownminitrucks.homestead.com>

For More Information ...

For the full text of these new statutes of relevance to law enforcement agencies, please go to the website for the Kentucky Department of Criminal Justice Training (www.docjt.ky.gov) and click on Legal Training Publications in the upper right hand corner.